

Amendments to the Drawings

The attached sheet of drawings include changes to Fig. 6 on one (1) sheet. The sheet, which include Figs. 5-6, replaces the original sheet including Figs. 5-6. In Fig. 6, element numbers 222, 228, and 229 have been added.

Attachments: Replacement Sheet (1)
Marked-up Sheet (1)

REMARKS

This responds to the Office action dated 8 November 2004. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and following remarks. Claims 1-3, 5-7, 9, 13, 16, 17, 20, and 23 have been amended. New claims 24 and 25 have been added. Accordingly, claims 1-25 remain pending in the application. Applicant notes that claims, 2, 10, 11, 14, 15, 18, 19, 21, and 22 were not specifically addressed in the Office action. Therefore, Applicant assumes that 2, 10, 11, 14, 15, 18, 19, 21, and 22 are allowable. In addition, Applicant notes that only claims 1, 6-8, and 23 were rejected over the prior art. Accordingly, Applicant presumes that claims 2-5 and 9-22 would be allowable if the § 112 issues are addressed.

Amendments to Specification

Applicant has amended the detailed description portion of the specification to include language in the originally filed claims. These amendments simply make consistent the detailed description portion of the specification with the claims. No new matter has been added.

Response to Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 3-6 and 9-22 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant addresses each of the rejections below.

The Examiner stated that claims 3, 9, and 17 are misdescriptive because the “retaining member” does not electrically insulate the elongated members. Applicant

has amended claims 3, 9, and 17 to state that the “movable sleeve,” rather than the “retaining member,” “electrically insulates...the elongated members.”

The Examiner alleged that claims 4, 12, and 16 are misdescriptive because “the drawings and specification do not define ‘a hollow cavity with a tapered opening/entrance’ or ‘recessable portion.’” Applicant respectfully traverses the rejection.

Applicant respectfully submits that the hollow cavity and the tapered opening are clearly shown in the drawings and stated in the claims. In addition, the specification has been amended to mirror the as-filed claims, which define the hollow cavity and tapered opening. Further, the drawings originally filed with the application support the claimed subject matter. Applicant believes that the drawings, claims, and specification clearly define the hollow cavity and the tapered opening.

The Examiner noted that “one of the retaining members” lacks antecedent basis in claim 5. The Examiner also alleged that “the tapered entrance” lacks antecedent basis in claim 16. Applicant has amended to claims 5 and 16 to afford each term proper antecedent basis.

The Examiner stated that claims 6, 13, and 20 do not further limit the claims because each is directed solely to intended use of the device. Applicant notes that all claim limitations must be considered by the Examiner, including functional limitations. Nevertheless, in an effort to advance prosecution of the application, Applicant has amended claims 6, 13, and 20. Amended claims 6, 13, and 20 positively state that the “movable sleeve comprises a high voltage insulator.”

The Examiner also objected to the specification for allegedly failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner

again mentions the terms “a retaining member that electrically insulates the elongated members, a tapered entrance, and a recessable portion.” Applicant believes that each claim limitation is adequately supported by the original specification. The amendments to the detailed description portion of the specification confirm such support.

Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. § 112 and 37 CFR § 1.75 (d)(1) are improper and should be withdrawn.

Response to Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1 and 6-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,078,593 to Benitz. The Examiner did not identify any of the specific claim limitations and compare them with what is shown in Benitz, but rather states that the claims are “clearly anticipated.”

As the Examiner knows, for a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677 (Fed. Cir. 1988). Claim 1, as amended, includes limitations not identically shown or suggested by the cited references. For example, amended claim 1 now recites “a handle having hollow cavity.” Benitz does not disclose or suggest a handle having a hollow cavity. Benitz teaches a solid handle with no cavity. Moreover, amended claim 1 now also recites “a retaining member protruding radially from the hollow cavity.” Benitz has no hollow cavity from which a retaining member can protrude.

In addition, if the Examiner believes that the “pin 57” of Benitz anticipates “a retaining member” (there is no way for Applicant to discern what component of Benitz is intended by the Examiner as the “retaining member” or any other limitation of the

rejected claims, because the Examiner did not articulate any reasoning for the rejection), Applicant notes that the “pin 57” is part of the “shank 37” and thus cannot “protrude radially from the hollow cavity [of the handle].” Perhaps as importantly, Benitz does not disclose the claimed invention, since the metal portions 33, 37 of the screwdriver are exposed when element 47 is extended toward the screwdriver tip. This teaching is exactly opposite as compared to the claimed invention. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 102 over Benitz be withdrawn.

Claims 6 and 7 depend from claim 1 and should be allowable for at least the same reasons offered above. In addition, claim 6 has been amended to further define the “moveable sleeve” as a “high voltage insulator.” Claim 7 has been amended to state that “the movable sleeve is retracted into the hollow cavity of the handle.” Benitz does not teach or suggest a high voltage insulator or a sleeve that is retracted into the hollow cavity of the handle. Therefore, Applicant respectfully requests that the rejection of claims 6 and 7 under 35 U.S.C. § 102 over Benitz be withdrawn.

The Examiner rejected claim 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,576,454 to Gearhart. Again, the Examiner did not identify any of the specific claim limitations and compare them to Gearhart, but simply states that the claim is “clearly anticipated.”

Applicant notes that the “sleeve 24” taught by Gearhart does not move. The “sleeve 24” of the Gearhart device is fixed to the handle. Accordingly, the “sleeve 24” cannot anticipate a “movable sleeve.” Only the elongated “gripping members 16” of Gearhart moves relative to the handle 30. Gearhart teaches that “the lateral ends 20 [of the gripping members] each ride upwardly.” Col. 1, l. 53 – Col. 2, l. 17. Further,

reference to Figs. 2 and 3 of Gearhart (Fig. 2 representing an alignment of the drive ends of the elongated “gripping members 16,” and Fig. 3 representing split drive ends) clearly shows that there is no movement of the “sleeve 24.” “The sleeve 24” taught by Gearhart appears to be fixed to the handle 30, and in fact discloses an internal shoulder between the handle 30 and the sleeve 24 that prevents movement of the sleeve as the elongated “gripping members 16” move as shown in Figs. 2 and 3. Accordingly, Applicant respectfully requests the rejection of claim 23 under 35 U.S.C. § 102 over Gearhart be withdrawn.

Response to Rejections Under 35 U.S.C. § 103

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being obvious over Benitz in view of U.S. Patent No. 3,224,479 to Osborn et al. The Examiner states that Benitz teaches all the limitations of claim 8 except for the welding of the elongated members at the handle. The Examiner alleges that Osborn et al. teaches the limitation missing from Benitz, and that it would have been obvious to one of ordinary skill in the art to weld the elongated members of Benitz as taught by Osborn et al.

Applicant notes that the Examiner has not given any reasons for or motivation to combine the teachings of Osborn et al. with Benitz. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness. Further, claim 8 depends from claim 1, which should be allowable as discussed above. Accordingly, Applicant respectfully requests that the rejection of claim 8 under 35 U.S.C. § 103(a) be withdrawn.

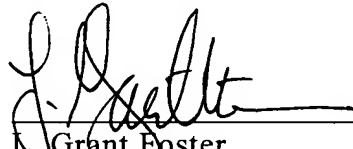
Conclusion

Applicant believes that all claims are in condition for allowance. Applicant notes that claim 2 has been rewritten in independent form, but has otherwise not been amended. Claim 2 was not rejected over any prior art, nor was it cited for indefiniteness. Therefore, claim 2 is allowable as originally filed.

Applicant believes that the application is now in condition for allowance. Applicant respectfully requests the Examiner to telephone the undersigned attorney if there are unresolved matters in the present application so that the examination process can be expedited.

Respectfully submitted,

Date: 8 FEBRUARY 2005


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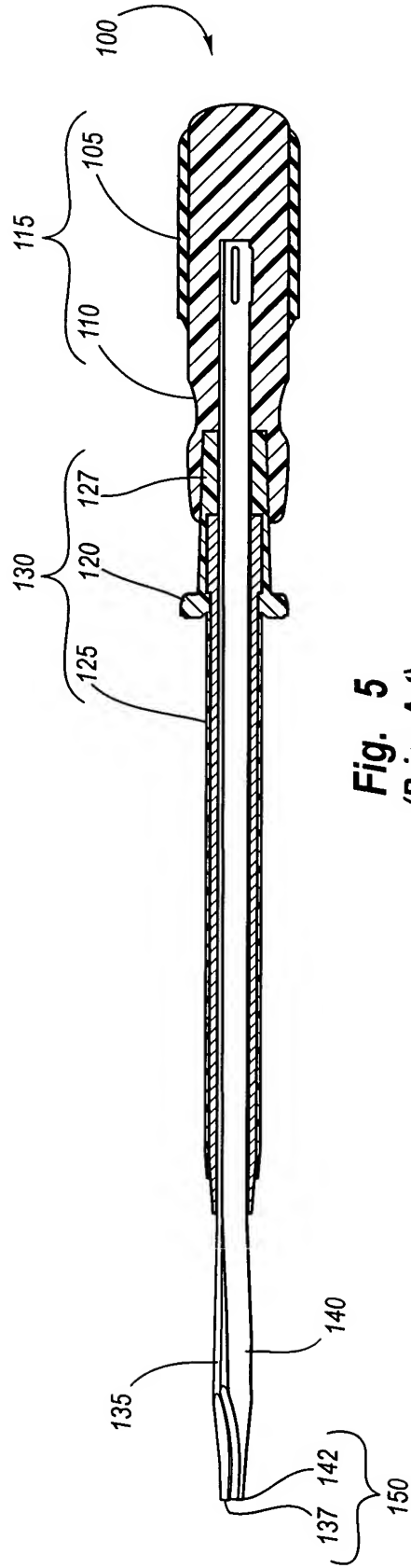


Fig. 5
(Prior Art)

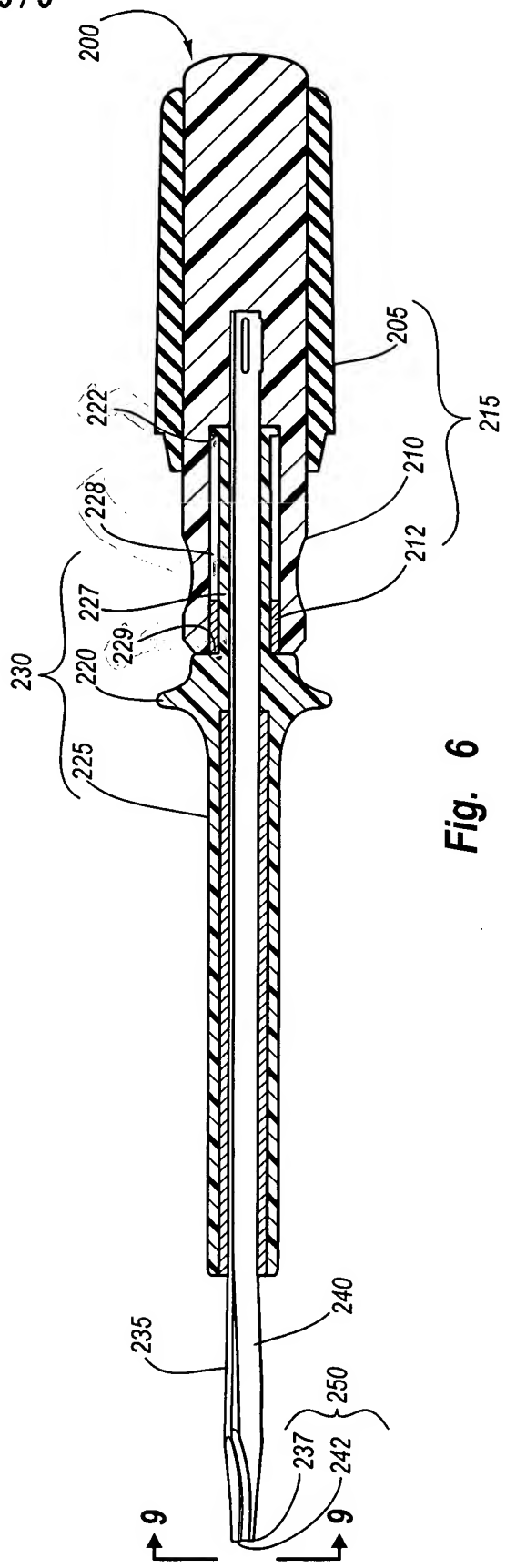


Fig. 6

MARKED UP DRAWING